

REMARKS

The various issues set forth in the Office Action are addressed in turn below.

Priority Document

A certified copy of the priority document, namely Canadian Patent Application No. 2413688, is submitted herewith.

Claim Rejections 35 U.S.C. § 112

The Examiner objected to the terms “panel-type articles” and “and/or” in claims 16-20. Applicant has amended claims 16, 17 and 18 to use of the term “panels” instead of “panel-type articles”. Furthermore, Applicant has amended claim 16 the use of the alternate wording suggested by the Examiner so as to avoid the use of the term “and/or”.

Claim Rejections 35 U.S.C. § 102(b)

Claims 1-3 and 16-17 stand rejected as being anticipated by U.S. Patent No. 1,454,900 to Leventry. The Examiner did not accept Applicant’s assertions in its November 9, 2006 response that Leventry does not teach individual biasing or individual self-adjustment upon closing. The Examiner states that the spring 19 of Leventry “clearly affects each and every one of the clamping mechanisms, meaning each individual clamping mechanism is biased to a closed position”. However, the statement that “each individual clamping mechanism is biased to a closed position” is not the same as “each clamping mechanism is individually biased to a closed position” which is being claimed by the Applicant. In the former, “individual” is an adjective which modifies “clamping mechanism” and is tantamount to saying “each clamping mechanism” (in fact in using the expression “each individual clamping mechanism”, “each” or “individual” is superfluous). However, in the latter, “individually” is an adverb that modifies “biased” so it effectively means the “biasing is individual” with respect to each clamping mechanism, i.e.

“separate” or “independent”. The Examiner goes on to state that “Just because [the Leventry clamps] are simultaneously biased, does not mean that they are not each individually affected by this force”. Again, the Examiner is using “individual” to refer to the clamps and not the biasing. In that statement, the Examiner explicitly indicates that the clamps of Leventry are “simultaneously biased” whereas Applicant’s clamps are explicitly “individually biased” and in comparing these expressions, it would seem apparent that there must be a fundamental difference between the nature of the “biasing”.

The same issue arises with whether the clamps of Leventry are “individually self-adjusting”, which the Applicant contends they are not. As to the Examiner’s consideration of Applicant’s argument that the clamping mechanisms of Leventry are not individually self-adjusting, Applicant is not arguing that each of Leventry’s clamps adjust. The Examiner’s conclusion that Leventry’s gripping means must have individually adjusted to varying degrees in order to make contact and to apply uniform pressure at each gripping device location is believed to be without basis. Leventry (page 2, lines 74-85) realizes that the cues, regardless of size, are more or less uniformly tapered and therefore proportions the jaws of the several gripping means accordingly so that the cue will be gripped with a substantially uniform degree of pressure at the several points of engagement. Thus the clamping mechanisms of Leventry are self-adjusting, but relative to one another and not individually self-adjusting as required by Applicant. The difference can readily be seen if one were to place a cue upside down in the cue holding unit of Leventry. Once the jaws of the upper gripping means engages the thicker end of the cue, the middle and lower gripping means would not be able to close substantially farther (i.e. they would not be individually self-adjusting), leaving the respective adjacent portions of the cue unclamped.

Notwithstanding, so as to avoid prolonged debate over semantics and grammatical construction with the Examiner, and to thereby advance prosecution of its application, Applicant has amended claim 1 to specify that the clamping mechanisms are independently biased as is clear from the specification and drawings. For example, the paragraph bridging pages 14 and 15 describes that each clamp 12 is provided with a spring clip 18 whose purpose is to provide biasing of each clamp toward a closed or clamping position. This clarifying terminology serves to distinguish the nature of Applicant's biasing from the "simultaneously biased" nature of Leventry's clamps.

Along similar lines, Applicant has amended claim 1 to specify that the clamping mechanisms are independently self-adjusting upon closing as is also clear from the specification and drawings (see Figures 8A-8C and page 18, lines 18-24 of the description).

With these amendments, Applicant's claim 1 clearly distinguishes over the cited reference to Leventry. The clamping mechanisms of Leventry are neither independently normally biased towards a closed position nor independently self-adjusting upon closing as required by Applicant. These features of Applicant's invention permit unitary opening of the individual clamps while not restricting the clamps to close in an identical manner. Since each of the Applicant's clamps are independently biased toward a closed position, the clamps will naturally adjust to the thickness of the retained panel(s). Accordingly, Applicant's clamping cartridge can accommodate a series of different panels comprising panels of different thicknesses and/or a varying number of panels of same or different thickness within each clamp. Should the bias of any one clamping mechanism fail, the independent biasing ensures that the panels in the remaining clamping mechanisms remain secured. Thus, it can be seen that the provision of independently biased clamping mechanisms acts as a safety feature in Applicant's device.

Accordingly, Applicant respectfully submits that claim 1 is neither anticipated by Leventry nor is rendered obvious in view of other cited references and a favorable reconsideration to this end is earnestly solicited. Dependent claims 2, 3, 16 and 17 include all of the limitations of claim 1 which patentably distinguishes over Leventry for the reasons given above and, accordingly, claims 2, 3, 16 and 17 are believed to patentably distinguish over Leventry within the meaning of 35 U.S.C 102(b).

Claim Rejections 35 USC § 102(a)

The Examiner has also rejected claims 1-8 and 16-20 as being anticipated by U.S. Patent No. 6,558,605 to Volkert. The Examiner has alleged the Volkert patent recites all of the features of claim 1 (as well as claims 2-8 and 16-20. Applicant has considered the Examiner's comments, but disagrees with the Examiner's assertion that Volkert teaches a plurality of clamping mechanisms being individually biased towards a closed position. In support of this position, the Examiner has indicated that the Volkert clamping mechanisms are individually biased towards a closed position, "via spring" and references the passage in column 8, lines 10-14. However, it appears that the although the passage refers to a handle which is "spring-biased", the context of the passage indicates that the spring-biasing assists in the releasable engagement of teeth in a locking wheel for locking the grippers in opened and closed positions.

Volkert describes at lines 14-16 of column 8 that the "handle 262 may be used to rotate lower camshaft 260 into the desired position, and then locked into position" and in the paragraph bridging columns 9 and 10 that the handles may be swung open to open the grippers and swung closed to close the grippers. Such terminology is not consistent with functionality which would have the grippers being normally urged or biased towards a closed position. There is simply no suggestion that the handle is biased for the purpose of urging the clamping mechanisms into a

position, whether it be in a closed position as required by Applicant or an open position. There is no other corroborating information throughout the entire Volkert specification which would suggest that the spring-biasing of the handle serves to bias the grippers towards a closed position (or even an open position) nor is there any suggestion of the functionality that the grippers are normally biased towards a closed position. In fact, the Volkert specification teaches that the normal (relaxed) state of the grippers is when they are in their open position (see column 7, lines 21-39), whereas Applicant's clamps are normally biased towards a closed position. Absent clear and unmistakable teaching from Volkert that either its handle, which opens and closes the grippers, or that the grippers themselves, are normally biased toward a closed position, concluding that such is so simply because reference is made to the handle being spring-biased is improper, particularly when the context of its usage provides a more reasonable explanation of the purpose of the spring-biasing.

Accordingly, it is submitted that Volkert does not anticipate claim 1 since its grippers are simply not normally biased towards a closed position as is required by Applicant. Absent such bias, should the locking mechanism of Volkert fail, the grippers would move to a relaxed or open position (due to their resiliency) thereby releasing the grip on any panels which have been clamped. Applicant's device on the other hand does not require any such locking mechanism or additional system bias in order to retain the clamps in their normal clamping state. The clamping function is relieved only by overcoming the independent, normally-closed biasing of the clamping mechanism, thereby providing a safety feature in Applicant's arrangement.

Accordingly, Applicant respectfully submits that claim 1 is neither anticipated by Volkert nor is rendered obvious in view of other cited references and a favorable reconsideration to this end is earnestly solicited. Dependent claims 2-8 and 16-20 include all of the limitations of claim

1 which patentably distinguishes over Volkert for the reasons given above and, accordingly, these claims are likewise believed to patentably distinguish over Leventry within the meaning of 35 U.S.C 102(a).

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Accordingly, favorable reconsideration of the application is respectfully requested.

Respectfully submitted,

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